



United States  
**Office of  
Personnel Management**

Washington, DC 20415-0001

**CPM 2003-14**

**November 14, 2003**

**MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES**

**FROM: KAY COLES JAMES**  
**Director**

**SUBJECT: Return of Activated Military Members to  
Federal Civilian Employment**

President George W. Bush has issued the attached memorandum to the heads of Executive departments and agencies on the return of civilian employees who were called to serve on active duty in the continuing Global War on Terrorism. The President's memorandum notes that the Federal Government serves as a model for all employers in its treatment of its active duty and reservist military members and he is committed to providing each of them with our full support, recognition, and assistance. The President directs you to grant to Federal employees returning from active duty 5 days of uncharged leave (excused absence) from their civilian duties. Accordingly, I am issuing the attached guidance consistent with the President's memorandum.

Many of our employees have endured great disruption to their families and their normal lives as a result of their service in the war against terrorism. Therefore, I join the President in urging that agencies do everything possible to ease their return to civilian life.

**Inquiries**

For additional information, agency chief human capital officers may contact the OPM human capital desk officer for their agency. Employees should contact their agency human resources offices to obtain information on their entitlements and obligations.

cc: Chief Human Capital Officers

Attachments

## **Guidance on the Return to Civilian Employment for Activated Military Members**

An employee who enters active military duty (voluntarily or involuntarily) from any position, including a temporary position, has full job protection, provided he or she applies for reemployment within the following time limits:

- (A) Employees who served less than 31 days must report back to work at the beginning of the next scheduled workday following their release from service and the expiration of 8 hours after a time for safe transportation back to the employee's residence.
- (B) Employees who served more than 30 days, but less than 181 days, must apply for reemployment within 14 days of release by the military.
- (C) Employees who served more than 180 days have 90 days to apply for reemployment.

Employees who served less than 91 days must be restored to the position for which they are qualified and would have attained had their employment not been interrupted. Employees who served more than 90 days have essentially the same rights, except that the agency has the option of placing the employee in a position for which he or she qualifies that is of like seniority, status, and pay to the position the employee would have attained had their employment not been interrupted.

Upon return or restoration, an employee generally is entitled to be treated as though he or she had never left for purposes of rights and benefits based upon length of service. This means that the employee must be considered for career ladder promotions, and the time spent in the military will be credited for seniority, successive within-grade increases, probation, career tenure, annual leave accrual rate, and severance pay. An employee who was on a temporary appointment serves out the remaining time, if any, left on the appointment. (The military activation period does not extend the civilian appointment.)

An employee performing active military duty is protected from reduction in force (RIF) and may not be discharged from employment for a period of 1 year following separation (6 months in the case of a Reservist called to active duty under 10 U.S.C. 12304 for more than 30 days, but less than 181 days, or ordered to an initial period of active duty for training of not less than 12 consecutive weeks), except for poor performance or conduct or for suitability reasons.

NOTE: Employees in the intelligence agencies have substantially the same rights, but are covered under agency regulations, rather than the Office of Personnel Management's regulations, and have different appeal rights.

## **Excused Absence for Returning Employees**

In recognition of the sacrifices activated civilian employees have made, the President has directed that all agencies grant 5 work days of excused absence, without charge to leave, to these employees upon notification to their employing agencies of their intent

to return to Federal civilian employment. This request covers all employees who were activated for military service in connection with Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, or any other military operations subsequently established under Executive Order 13223. Agencies may grant this period of excused absence prior to the employee's resumption of his duties, or at a time mutually agreeable to the agency and the employee, if the employee has already returned to duty.

### **Recognition for Nonactivated Civilian Employees**

The President's memorandum recognizes that many civilian employees throughout Government who were not activated have made valuable contributions to the successful military effort. Heads of departments and agencies are urged to recognize the accomplishments of these employees within the range of options available.

For further information on the employment rights of employees returning to civilian duty, see <http://www.opm.gov/oca/compmemo/2001/2001-09A.asp>.

## THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Return of Activated Military Members to Federal  
Civilian Employment

As we welcome home returning Federal civil servants who were called to active duty in the continuing Global War on Terrorism, we recognize the contributions they have made in the defense of freedom. Whether they served with the Reserve Forces or the Air and Army National Guard, each of them has my personal gratitude and the respect and admiration of a grateful Nation.

The Federal Government will continue to be the model for employer support to the Guard and Reserve. We are the guarantors of the rights of returning service members under the Uniformed Services Employment and Reemployment Rights Act, and I am personally committed to providing each of them with our full support, recognition, and assistance. Accordingly, I hereby direct you to grant Federal employees under your authority who are returning from active duty 5 days of uncharged leave from their civilian duties, consistent with the provisions of Federal law.

We also are grateful for the extra efforts of the many Federal civilian employees who, in the absence of their fellow activated workers, have contributed to the War on Terror, and I urge you to recognize these Federal employees by appropriate means.

GEORGE W. BUSH

THE WHITE HOUSE

November 14, 2003



United States  
**Office of  
Personnel Management** Washington, DC 20415-0001

**Questions and Answers on Excused Absence  
for Employees Returning from Active Duty**

On November 14, 2003, President George W. Bush directed the heads of agencies to grant Federal employees who are returning from active duty 5 days of excused absence from their civilian duties. The President's memorandum is available from OPM's Web site at <http://www.opm.gov/oca/compmemo/2003/2003-14b.asp>. The Office of Personnel Management's (OPM's) memorandum and guidance on granting the 5 days of excused absence are available at <http://www.opm.gov/oca/compmemo/2003/2003-14.asp> and <http://www.opm.gov/oca/compmemo/2003/2003-14a.asp>.

The following questions and answers provide additional information to assist agencies in implementing the President's memorandum:

**Q1.** When must an agency grant the 5 days of excused absence? Must an agency grant the excused absence as soon as the employee returns to civilian duty?

**A1.** The intent of the President's memorandum is to grant 5 days of paid time off to employees returning to Federal civilian service to aid in their readjustment to civilian life. Agencies must provide a returning employee with 5 days of excused absence upon his or her return to Federal civilian duty. Upon receiving notification from an employee of his or her intent to return to civilian duty on a specific date, an agency must grant the employee 5 days of excused absence immediately prior to the employee's actual resumption of his or her duties. The commencement of the 5 days of excused absence represents a return to Federal civilian employment, and the employee is obligated to report for work at the end of the 5-day period.

If the employee had already returned to Federal civilian service prior to November 14, 2003, he or she may take the 5 days of excused absence at a time mutually agreeable to the employee and the agency.

**Q2.** How does the 5 days of excused absence affect the time limits for restoring an employee to Federal civilian employment under 5 CFR part 353, subpart B?

**A2.** The 5 days of excused absence do not affect the time limits for exercising restoration rights, because the commencement of the 5 days of excused absence constitutes a return to civilian service. For example, an employee may take whatever grace period is allowed under part 353 and, *in addition*, is entitled to 5 days paid excused absence.

**Q3.** We have employees who have returned to Federal civilian duty, but are expected to be activated again. Can an employee receive 5 days of excused absence more than once?

**A3.** No. *Each employee* is entitled to 5 days of excused absence when he or she returns from active military service in connection with Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, or any other military operation subsequently established under Executive Order 13223. Each employee will receive 5 days of excused absence, regardless of the number of activations.

**Q4.** Must a qualifying employee use his or her 5 days of excused absence all at once?

**A4.** Yes. The intent of the President's memorandum is to provide returning employees with a continuous period of paid time off to spend with their families before returning to Federal civilian duties.

**Q5.** May qualifying employees return to Federal civilian duty and then take the 5 days of excused absence at a later date?

**A5.** No. The 5 days of excused absence must be granted as soon as the employee reports back for Federal civilian duty or notifies the agency of his or her intent to return to civilian duty. In the event that an employee had already returned to civilian duty prior to November 14, 2003, the employee should be granted 5 days of excused absence at a time that is mutually agreeable to the Federal agency and the employee. The 5 days of excused absence may not be "stockpiled" for use at a later date. In addition, the 5 days of excused absence is not to be confused with "credit hours" earned under a flexible work schedule or compensatory time off earned for overtime hours.

**Q6.** If an employee was activated for military service in connection with Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, or any other military operation subsequently established under Executive Order 13223, but was not deployed overseas, is the employee eligible for the 5 days of excused absence when he or she exercises return rights?

**A6.** Yes, the President's memorandum applies to all employees who were called to active duty in support of the continuing Global War on Terrorism.

**Q7.** If an employee who was activated was not a Federal employee when his or her tour began, but has been hired by the Federal Government since his deactivation, is the employee entitled to the 5 days of excused absence?

**A7.** No. The President's memorandum specifically addresses "returning Federal civil servants who were called to active duty." A new employee who was not a Federal civilian employee at the time of his or her activation does not qualify for the 5 days of excused absence.

**Q8.** How do agencies compute the 5 days of excused absence for part-time employees or employees on uncommon tours of duty, such as Federal firefighters? Do these employees receive 5 work days, 40 hours, or a prorated amount of excused absence?

**A8.** All employees are entitled to the equivalent of 1 workweek of excused absence. The period of excused absence for an employee on an uncommon tour of duty or an employee on a part-time work schedule will be prorated according to the number of hours in the employee's regularly scheduled workweek. For example:

Hours in the regularly scheduled workweek	Hours of excused absence
20	20
40	40
53	53
72	72

**Q9.** May the 5 days of excused absence be prorated depending upon the length of the employee's deployment?

**A9.** No. *Each employee* who was activated for military service in connection with Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, or any other military operation subsequently established under Executive Order 13223 is entitled to 1 week of excused absence.